

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.8638 of 2017**

Arising Out of PS.Case No. -74 Year- 2015 Thana -HATHAURI District- SAMASTIPUR

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Narsingh Mandal, son of Late Harihar Mandal, resident of Village/Mohalla-Kharsam, P.S.- Hathauri, District- Samastipur.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Nilesh Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

2      07-03-2017                      Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor.

In this application for anticipatory bail, the petitioner apprehends his arrest for the offence punishable under Sections 302/34 of Indian Penal Code.

It is submitted on behalf of petitioner that though the name of the petitioner is in the First Information Report along with other co-accused who had assaulted Tezo Mandal; husband of the informant brutally causing his death but after completion of investigation, the petitioner was not sent up for trial and only against accused namely Vijay Mandal and Bilti Devi, charge-sheet has been submitted under Section 304/34 of Indian Penal Code and after differing with the opinion of the investigation officer, cognizance has been taken.



Learned A.P.P. does not oppose the prayer for bail.

In the facts and circumstances stated above considering the fact that petitioner has not been sent up for trial after completing investigation, the petitioner, in case of his arrest or surrender before the Court below within four weeks from the date of receipt/ production of a copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1<sup>st</sup> class, Samastipur in Hathauri P.S. case no. 74 of 2016 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

**(Jitendra Mohan Sharma, J.)**

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